

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 1, 2003**

**DIVISION TWO**

B160387      SMS Financial IV, L.L.C.                      (Not for Publication)  
                 v.  
                 Benigno, Jr.

The judgment is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

B159777      Coalition for Affordable Housing et al.    (Not for Publication)  
                 v.  
                 City of Los Angeles Board of Education et al.

The judgment appealed from is reversed. The matter is remanded to the trial court for further proceedings in connection with Marina Two's as-applied challenge and the exemption for affordable housing. Appellants shall recover their costs of appeal from respondents.

Nott, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

B160419      People    (Not for Publication)  
                 v.  
                 Hobley

The judgment is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

July 1, 2003 (Continued)

## DIVISION TWO (Continued)

B156848 People (Not for Publication)  
v.  
Gereau

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B160106      People                    (Not for Publication)  
v.  
Davis

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The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

DIVISION THREE

B157001      People  
v.  
Manual Antonio Gonzalez

Filed order denying petition for rehearing.

B152610 Canton Poultry & Deli et al.  
v.  
Stockwell, Harris, Widom et al.

Filed order denying petition for rehearing.

July 1, 2003 (Continued)

DIVISION FOUR

B152611      Metcalf et al.                      (Not for Publication)  
                 v.  
                 Nash & Edgerton et al.

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                 Curry, J.

DIVISION FIVE

B160484      Jerome Zamos                              (Certified for Publication)  
                 v.  
                 James Stroud et al.

The order dismissing Zamos' complaint against Carl Taylor and Nancy Peterson is affirmed. The order dismissing Zamos' claim against James Stroud, Van Do, and Stroud & Do is reversed. Carl Taylor and Nancy Peterson shall recover their costs and attorney fees on appeal, in an amount to be determined by the trial court on remand. Jerome Zamos and Odion Okojie shall recover their costs on appeal from James Stroud, Van Do, and Stroud & Do.

Mosk, J.

I concur:        Armstrong, J.  
I dissent:        Grignon, Acting P.J. (Opinion)

DIVISION SIX

B158548      Mercedes-Benz Credit Corp.              (Certified for Publication)  
                 v.  
                 Johnson

The judgment of the trial court is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur:    Gilbert, P.J.  
                 Perren, J.

July 1, 2003 (Continued)

DIVISION SIX (Continued)

B162055 Grundy  
v.  
Gourley

Filed order certifying opinion for publication.

DIVISION SEVEN

B161290 People (Not for Publication)  
v.  
Wilson

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.  
Woods, J.

B160436 People (Not for Publication)  
v.  
Durand

The judgment is affirmed.

Perluss, P.J.

I concur:: Woods, J.  
I dissent: Johnson, Acting P.J. (Opinion)

July 1, 2003 (Continued)

DIVISION EIGHT

Court convened at 9:03 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., and Connie Hon, Deputy Clerk.

Each of the following:

B157575 People v. Sims  
B159624 People v. Rose  
B160015 People v. Hernandez  
B160062 People v. Holroyd  
B162923 People v. Chachava  
B153592 Eilken v. Charlston, Revich & Williams et al.  
B157461 People v. Palmer  
B157611 Raheem v. Walton  
B158343 People v. Patton  
B158878 People v. Coddie

Argument waived, cause submitted.

B160348 Arch Escrow Corp., et al.  
v.  
KTW, LLC, et al.

The matter has been continued to July 28, 2003, at 9:00 a.m.

B162630 Kohrs & Fiske et al.  
v.  
Kwalwasser et al.

The matter has been continued to July 28, 2003, at 1:00 p.m.

B158985 Lozano  
v.  
City Of Carson

Appearance:

Saskia T. Asamura for respondent. Appellant waived oral argument. Cause submitted.

DIVISION EIGHT (Continued)

B154193     Smith  
              v.  
              Best American Hospitality et al.

Merits:  
Argued by Gerald Serlin for appellant and by Sharon C. Corda for respondents. Cause submitted.

B156620     Bodine  
              v.  
              Wawanesa General Insurance Company et al.

Merits:  
Argued by H. Steven Schiffres for appellant and by Daniel Gamez for respondents. Cause submitted.

B161853     University Mechanical & Engineering Contractors, Inc.  
              v.  
              York International Corporation

Merits:  
Argued by Steven S. Owen for appellant and by John S. Purcell for respondent. Cause submitted.

Court recessed at 10:29 a.m.

Court reconvened at 1:04 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., and Connie Hon, Deputy Clerk.

B158791     Zarate et al.  
              v.  
              Leitner, M.D.

Appearance:  
David J. Ozeran for respondent. Appellant waived oral argument. Cause submitted.

DIVISION EIGHT (Continued)

B154542     People  
              v.  
              White

Merits:

Argued by Gregory L. Rickard for appellant and by Lisa J. Brault, Deputy Attorney General, for respondent. Cause submitted.

B159696     Century-National Insurance Company  
              v.  
              California Highway Patrol et al.

Merits:

Argued by Wayne W. Watten for appellant and by Christopher M. Hill, Deputy Attorney General, for respondent. Cause submitted.

Court recessed at 1:56 p.m.

Court reconvened at 2:06 p.m.

Present: Cooper, P.J., Boland, J., Miriam A. Vogel, J.,(Assigned), and Connie Hon, Deputy Clerk.

B164144/     Ziffren  
B165372     v.  
              Superior Court, Los Angeles County  
              (Ziffren, r.p.i.)

Merits:

Argued by Seth M. Hufstedler for petitioner and by Bernard N. Wolf for real party in interest. Cause submitted.

Justice Rubin returns to the bench.

July 1, 2003 (Continued)

DIVISION EIGHT (Continued)

B154240     Richard M. Gritz  
                 v.  
                 Cynthia Carlomagno Gritz

Merits:  
Argued by Elizabeth R. Potter for appellant and by David S. Karton for  
respondent. Cause submitted.

Court adjourned at 4:11 p.m.

B160078     Los Angeles County, D.C.S.  
                 v.  
                 Latasha Y.  
                 In Re: Corinthia Y.

Filed order denying petition for rehearing.